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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,309	12/03/2001	Takahiro Kawashima	PW 0277024 H7605US	7933

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Pillsbury Winthrop LLP
Intellectual Property Group
Suite 2800
725 South Figueroa Street
Los Angeles, CA 90017-5406

EXAMINER

SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/005,309	Applicant(s) KAWASHIMA, TAKAHIRO	
	Examiner MATTHEW C. SAMS	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action has been modified in response to the amendment filed on 3/17/2008 to claims 1, 5, 6, 9 and 10.

Claim Objections

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: It is noted that the phrase "computer-readable medium" recited in claims 6, 9 and 10 is supported in the specification. However, the specification fails to provide proper antecedent basis. In order to clarify the claimed subject matter, examiner recommends applicant to modify either the specification or claims 6, 9 and 10 to provide consistent language.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1, 5, and 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 3, 4 and 7-10 are rejected as being indefinite for incorporating the deficiencies of independent claims 1, 5 and 6.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto (US-5,559,298) in view of Lee (US-6,292,440).

Regarding claim 1, Okamoto teaches a tone generator system (Fig. 1 [17]) which generates at least one musical tone in response to sounding instruction data relating to a channel by using a program number (Col. 4 lines 12-16 "tone generation parameter") based on tone color changing instruction data designating a tone color of the corresponding channel which is stored in predetermined timing before a sounding instruction data, the tone color changing instruction data including a channel number and a corresponding program number, and the sounding instruction data including the channel number, (Col. 4 lines 28-31 and Fig. 6) comprising:

a first waveform storage that stores compressed waveform data, each of the stored compressed waveform data being readable based on the program number (Fig. 1 [12]), the compressed waveform data being compressed in a compression method for compressing waveform data in units of a frame comprised of a plurality of samples encoded with a format; (Col. 6 lines 40-42 and Col. 8 lines 58-60)

a second waveform storage; (Fig. 1 [13])

a sequencer that sequentially receiving and interprets a series of messages included in a musical composition file, supplies the tone color changing instruction data obtained by interpreting the series of messages, and then supplies the sounding instruction data obtained by interpreting the series of messages; (Col. 5 lines 7-13 and Fig. 1 [20])

a decoder responsive to the tone color changing instruction data supplied from said supplying section, for reading out from said first waveform storage the compressed waveform data based on the program number included in the supplied tone color changing instruction data, for decoding the readout compressed waveform data into waveform data in a pulse code modulation format (Col. 4 lines 41-45), and for storing the decoded waveform data in the pulse code modulation format into said second waveform storage, each of the stored decoded waveform data being readable based on the corresponding channel number; (Col. 5 lines 7-13 and Fig. 1 [21]) and

a tone generator section (Fig. 1 [17]) that is responsive to the sounding instruction data supplied from said sequencer, for reading out from said second waveform storage the waveform data in the pulse code modulation format, based on the channel number included in the supplied sounding instruction data, and for generating

musical tones based on the readout waveform data in the pulse code modulation format. (Col. 3 line 51 through Col. 5 line 16)

Okamoto differs from the claimed invention by not explicitly reciting a plurality of samples are encoded with a format consisting of at least one of MP3, MPEG-1, AAC and ATRAC.

In an analogous art, Lee teaches a car audio player (Fig. 1) that uses MP3 file formats for compressing audio signals. (Col. 1 lines 6-13) At the time the invention was made, it would have been obvious to one of ordinary skill in the art would to have been motivated to implement the tone generator system of Okamoto after modifying it to incorporate the use of the MP3 file format of Lee since the MP3 file format allows for compressing and decompressing highly compressed audio files without a loss of sound quality. (Col. 1 lines 6-13)

Regarding claim 3, Okamoto in view of Lee teaches a tone generator system according to claim 1, wherein said second waveform storage is operable for storing waveform data inputted by a user. (Okamoto Col. 4 lines 17-22 and Fig. 1 [13, 14, 15, 16 & 21])

Regarding claim 4, Okamoto in view of Lee teaches the decoder is operable for decoding compressed audio stream data inputted from an external device. (Okamoto Col. 4 lines 17-22, 41-45 and Fig. 1 [16])

Regarding claims 5, the limitations of claim 5 are rejected as being the same reason set forth above in claim 1.

Regarding claim 6, the limitations of claim 6 are rejected as being the same reason set forth above in claim 1.

Regarding claim 7, the limitations of claim 7 are rejected as being the same reason set forth above in claim 3.

Regarding claim 8, the limitations of claim 8 are rejected as being the same reason set forth above in claim 4.

Regarding claim 9, the limitations of claim 9 are rejected as being the same reason set forth above in claim 3.

Regarding claim 10, the limitations of claim 10 are rejected as being the same reason set forth above in claim 4.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 5, 6, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW C. SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571)272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/MCS/
4/9/2008